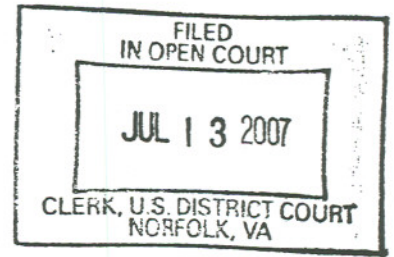


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION



UNITED STATES OF AMERICA

v.

No. 2:04cr148-001

HOWARD WELSH.

**RESTITUTION JUDGMENT**

1. The defendant is sentenced to pay, as restitution, \$ 33,543,153.45, jointly and severally with any co-defendants who are ordered to pay restitution for the same losses.<sup>1</sup>  
*AB* The amount paid as restitution to the victims, collectively, shall not exceed \$ 33,543,153.45.
2. Attachment A to this Restitution Judgment is a list of those victims who are currently known to the United States and have shown, by a preponderance of the evidence, the amount that they, individually, are due. That amount totals \$15,221,499.00, less \$921,700.00 in previous reimbursements made to the victims, for a total of \$14,299,799.00 which can be directly attributed to specific victims.
3. The Clerk shall credit against the sum of \$ 33,543,153.45 any payments made by the Department of Justice from its asset forfeiture program to any of the victims listed in Attachment A. (It is expected that a total of \$2,077,423.60 will be paid by the Department of Justice to the victims listed in Attachment A). The Clerk shall accept notice from the United States Attorney of the amounts that shall be credited under this paragraph.
4. Based on information presented by the Government during the sentencing of the defendant on July 13, 2007, the Court, pursuant to 18 U.S.C. §§ 3663A(c)(3)(A) and (B) and 3664(e), finds that the individuals listed in Attachment B did not file petitions for remission with the Government, although noticed at least two times of the right to submit such petitions. The Court further finds the number of identifiable victims is so large and the nature of the investments so complex, that calculating individual restitution amounts for each victim and these individuals without the information provided in a petition for remission is impossible. Accordingly, the Court finds that despite the Government's best efforts, the Government has not received sufficient information from individuals listed in Attachment B to meet the burden of demonstrating the amount of their losses. Therefore, the individuals listed in Attachment B will not receive restitution until and unless they file a claim with the United States Attorney supporting their loss amount.

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<sup>1</sup> The presently known co-defendant is Lee Hope Thrasher, Docket No. 2:04CR148-02, who is scheduled to be sentenced on July 13, 2007.

5. Any individual listed in Attachment B, who believes that they are a victim of the offense, must file with the United States Attorney within sixty (60) days from the entry of this order, a verified petition demonstrating that they are a victim of the loss, the amount of their loss, any reimbursement that they have received, and their reason for not previously submitting a timely claim. The Government will consider such claim and, if such claim is sufficiently documented, shall notice this Court that the claimant is a victim and qualifies for restitution. Pursuant to 18 U.S.C. § 3664(d)(5), any final amended order of restitution shall be entered within ninety (90) days of the date of the entry of this order. The Court may enter any final amended order of restitution on the papers filed, without the need for a future hearing or the presence of the defendant. In no event shall the amount of such granted claims, when added to the amount awarded as restitution to the victims listed in Attachment A, exceed \$ 33,543,153.45 - *RBS*

6. Interest:

       is waived.

☒ accrues as provided in 18 U.S.C. § 3612(f). *RBS*


7. Restitution is due immediately, and notwithstanding any other provision of this Restitution Judgment, the Government may enforce restitution at any time. The defendant shall make a bona fide effort to pay restitution in full as soon as practical.
8. If incarcerated, the defendant shall participate in the Bureau of Prisons' Inmate Financial Responsibility Program at a rate of at least \$25 per quarter, or if assigned as a UNICOR grade 1 through 4 employee, at least 50% of the prisoner's monthly pay.
9. The defendant shall pay to the Clerk at least \$ 500.00 per month beginning *21st day* *from release from incarceration. The court may change this amount depending upon defendant's financial circumstances at the time.*
10. All payments shall be made to the Clerk of Court, United States District Court, 600 Granby Street, Norfolk, VA 23510.
11. The defendant shall notify, within 30 days, the Clerk of Court and the United States Attorney's Office, Financial Litigation Unit, 8000 World Trade Center, Norfolk, VA 23510 of: (a) Any change of name, residence, or mailing address; and (b) Any material change in economic circumstances that affects the ability to pay restitution.
12. No delinquent or default penalties will be imposed except upon Order of the Court.



13. Forfeited Funds/Proceeds

A. Consistent with paragraph 3, following the completion of forfeiture proceedings against any assets obtained from the defendant, the United States shall supply to the Clerk's Office and defense counsel a written list of any payments made to victims from any such forfeited items or proceeds, if the forfeited funds are paid directly to victims, rather than to the Clerk of Court for distribution to victims. The Clerk's Office will then credit such payments against the amounts specified in this Restitution Judgment to ensure that the victims receive no more than full compensation and that the defendant is given credit for any such payments on the balance of restitution to be paid.

B. If, in the alternative, any forfeited funds/proceeds are paid directly to the Clerk's Office for distribution, then the Clerk's Office shall distribute those funds to the individual direct victims on a pro rata basis. That is, each individual direct victim shall be entitled to share in the forfeited funds/proceeds in an amount equal to the percentage that each individual's loss is of the total losses of the individual direct victims.


  
REBECCA BEACH SMITH  
UNITED STATES DISTRICT JUDGE

ENTERED this 13<sup>th</sup> day of July, 2007.

at Norfolk, Virginia

WE ASK FOR THIS:

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